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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/435,198	11/05/1999	KEVIN A. LAYNE	1148.002US1	4881

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EXAMINER

GORT, ELAINE L

ART UNIT	PAPER NUMBER
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2167

DATE MAILED: 04/11/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/435,198

Applicant(s)

LAYNE, KEVIN A.

Examiner

Elaine Gort

Art Unit

2167

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 January 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 1 is are rejected under 35 U.S.C. 103(a) as being unpatentable over Schutzer et al. (US Patent 5,920,848) in view of Smith (US Patent 5,822,400).

Schutzer et al. discloses a method for allowing selective access to information comprising:

Storing account data in a database (user account information);

Processing database access requests with a network server from a web browser controlled by remote user (see figure 1 and 5);

Processing credentials transmitted by web browser to authenticate the identity of the remote user as a client representative (examples of credentials include access number and PIN); and

Processing access requests such that the client representative is allowed access only to data associated with the client's account (creates user specific reports—abstract, inherent that user not given access to other banks customer accounts for privacy issues).

Schutzer et al. discloses the claimed method but is silent regarding the data including debt collection information. Smith discloses that it is known in the art to provide remote access to debt collection information (see figure 2) in order to allow client representatives to determine the client's past due debts to notify the client of their debt. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the method for selective access of Schutzer et al. with the debt collection information of Smith, in order to allow the clients representative to track and notify the client of their past due debts.

3. Claims 2-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schutzer et al. (US Patent 5,920,848) and Smith (US Patent 5,822,400), as modified above, and further in view of Goode et al. (US Patent 6,163,272).

Schutzer et al. and Smith, as modified above, disclose the claimed method but is silent regarding the presence of a plurality of access tiers. Goode et al. discloses that it is known in the art to provide a plurality of access tiers (see figure 2) in order to protect the privacy of account owners and the integrity of the database. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the method of Schutzer et al. and Smith, as modified above, with the plurality of access tiers as taught by Goode et al. in order to maintain the integrity of the database and protect the privacy of account owners.

4. Merely providing an automatic means to replace a manual activity which accomplishes the same result is not sufficient to distinguish over the prior art, *In re Venner*, 262 F.2d 91, 95, 120 USPQ 193, 194 (CCPA 1958). For example, simply automating a system that was previously performed or accessed manually or by paper correspondence does not increase the value of the information being transacted, it merely performs the transaction with increased speed, whereby the end result is still the same. The applicant has not shown how their system is different then previously existing manual systems. Furthermore the data claimed appears to be of the format of any type of relational database.

The references cited may not expressly show the claimed data. However these differences are only found in the nonfunctional descriptive material and are not functionally involved in the steps recited. The steps claimed would be performed the same regardless of the data. The claimed descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, see *In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994). Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to collect and/or use any type of data because the data does not functionally relate to the steps claimed and because the subjective interpretation of the data does not patentably distinguish the claimed invention.

Response to Arguments

Applicant's arguments filed 1/15/02 have been fully considered but they are not persuasive.

Applicant's argument regarding the inclusion of debt collection information has been overcome by the obvious modification using Smith. See rejection above for further details.

Applicant's explanation of how their automated system has benefits over prior existing manual systems, although they may be factual, are not reflected in the method as claimed. Applicant must show how their claimed method varies from an obvious automation of a known manual system. The argued improved speed and flexibility are not shown in the claims as currently stated.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Elaine Gort whose telephone number is (703)308-6391. The examiner can normally be reached on Monday through Thursday from 7:00 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Olszewski, can be reached at (703)308-5183. The fax phone number for the organization where this application or processing is assigned is (703)305-3597.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-1113.

EG 

April 5, 2001


DOUGLAS HESS
PRIMARY EXAMINER
4-5-02